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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,330	12/18/2001	Barry S. Bosik	2000-0674 (40147/12201)	8079
83719 7590 07/30/2010 AT & T Legal Department - FKM AT & T LEGAL DEPARTMENT, ATTN: PATENT DOCKETING ROOM 2A-207 BEDMINSTER, NJ 07921				
EXAMINER AHMED, SALMAN				
ART UNIT		PAPER NUMBER		
2476				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/026,330

Applicant(s)

BOSIK ET AL.

Examiner

SALMAN AHMED

Art Unit

2476

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-5, 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/16/02, 12/18/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 1, 3-5, 8 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Devillier et al. (US PAT 6366661), hereinafter referred to as Devillier in view of Brown et al. (US PAT PUB 2007/0230668, hereinafter Brown).

In regards to claim 1, Devillier teaches a method for managing an incoming call to a subscriber terminal (figure 7, element 14) the terminal providing access to resources of the Public Switched Telephone Network (PSTN) (figure 7, element 22, SSP) and data terminal access (figure 7, element 34, Gateway) to online resources of a packet network (figure 7, element 18, internet) the method comprising: accessing

packet network (Column 6, Lines 19-23, communications server) to ascertain online network status (Column 6, Lines 19-23, current online status) of the subscriber terminal, accessing packet network comprising accessing one of an IP network (Column 6, Lines 19-23, the Internet), an Ethernet, a LAN, and a WAN (Column 6, Lines 19-23, the SCP transmits a query to the communications server over the Internet requesting a current online status for the subscriber), indicating the arrival of an incoming call to the subscriber terminal during an online operation of subscriber terminal by generating a message to the subscriber terminal (column 5 lines 41-45, If it is determined that the subscriber is indeed online, the server may be informed that an incoming call has been received and the server may in turn then provide notification to the subscriber through a display graphic which may appear on the subscriber's PC display), and according to subscriber preferences stored in a memory (column 3 lines 11-12, column 4 lines 41-42, also, the forwarding number may be pre-programmed in the system. The call may be further routed to a transfer number 25 which has been programmed into the subscriber's PC), performing one of the steps of (a) forwarding the incoming call to voicemail (column 5 lines 46-57, the call may be routed to a different location such as voicemail), (b) forwarding the incoming call to a forwarding number (column 5 lines 46-57, a forwarding number), and (c) activating an options selection menu at subscriber terminal to provide the subscriber with options to handle the incoming call, options including at least one of forwarding the call to a specific number, handling the call via a VoIP service, and sending the call to voicemail and performing the selected one of forwarding the incoming call to voicemail, forwarding the incoming call to the forwarding number,

and activating the options selection menu at the subscriber terminal (column 5 lines 46-57, the display graphic is interactive in nature and a subscriber may make a selection as to how to route a particular call. Once this selection is made, the switching point is directed to carry out the instructions, which may include routing the call to the subscriber once the Internet connection is terminated, routing an audio connection to the subscriber through a router connected to the Internet such that a conversation may be had employing IP telephony, or the call may be routed to a different location such as voicemail, a forwarding number, or a location in which the caller will hear an audio message).

Devillier does not explicitly teach without action by a user of a subscriber terminal selecting a call option.

Brown in the same or similar field of endeavor teaches in state 308 the system determines whether a response (e.g., an option selection) is received within a threshold period of time. If not, the system applies a default control option in state 310. If the subscriber cannot be contacted within a pre-determined period of time (e.g., the instant messages are rejected, the subscriber does not respond), the call control server may abort the call control process and apply a default call control option (e.g., take a voicemail message) (paragraphs 0024 and 0041).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate in Devillier's system/method the steps of without action by a user of a subscriber terminal selecting a call option as suggested by Brown. The motivation is that such method enables a system not to wait indefinitely for user

response and thus avoid unnecessary wasting of system and network resources when user is unavailable to response. Known work (i.e. without action by a user of a subscriber terminal selecting a call option) in one field of endeavor (i.e. Brown prior art) may prompt variations of it for use in either the same field or a different one (i.e. Devillier prior art) based on design incentives (i.e. enables a system not to wait indefinitely for user response and thus avoid unnecessary wasting of system and network resources when user is unavailable to response) or other market forces/market place incentives if the variations are predictable to one of ordinary skill in the art

In regards to claim 3, Devillier discloses one of the accessing, indicating, and performing steps occurs at one of a local exchange carrier (figure 7 element 16, communication server), at a private branch exchange (figure 7 element 22 SSP), or at equipment situated on the subscriber's premises (figure 7, element 14).

In regards to claim 4, Devillier discloses storing the subscriber preferences in a memory where preferences include at least one of a call forwarding number, a voicemail directive, and an Internet call waiting directive (column 8 lines 23-28 and column 5 lines 46-57, the server informs the SCP that the subscriber is currently online the SCP then requests the identification information from the LIDB. Once the identification information is retrieved, it is included in an interactive graphical screen display, which is presented on the subscriber's PC. The display graphic is interactive in nature and a subscriber may make a selection as to how to route a particular call. Once this selection is made, the switching point is directed to carry out the instructions, which may include routing the call to the subscriber once the Internet connection is terminated, routing an audio

connection to the subscriber through a router connected to the Internet such that a conversation may be had employing IP telephony, or the call may be routed to a different location such as voicemail, a forwarding number, or a location in which the caller will hear an audio message).

In regards to claim 5, Devillier discloses the step of dynamically enabling at least one of said indicating, forwarding, and activating in accordance with an on-line status of the subscriber (Column 2, lines 27-34, If it is determined that the subscriber is not currently logged onto the internet, the SCP may instruct the local switching point to route the call to the subscriber's line as normal. This may include directing the call to the subscriber's home phone. If the server returns a message indicating that the subscriber is currently online, the SCP may then perform a search of the LIDB to locate identification information for the incoming caller.

In regards to claim 8, Devillier discloses extracting subscriber preference information from a network database (column 7 lines 1-8, communications server) and executing at least one call handling step in accordance with said subscriber preferences (column 7 lines 1-8, If, routing information is received from the communications server, the SCP will direct the SSP accordingly. If the subscriber wishes to ignore the telephone call, the call may be routed to the same or another AIN IP where an audio message will be played informing the caller that the subscriber is currently online and is not taking telephone calls).

In regards to claim 9, Devillier discloses generating a message (column 5 lines 41-45, notification) to subscriber terminal comprises generating a message directing the

display of a notice viewable on a display monitor associated with subscriber terminal (column 5 lines 41-45, If it is determined that the subscriber is indeed online, the server may be informed that an incoming call has been received and the server may in turn then provide notification to the subscriber through a display graphic which may appear on the subscriber's PC display).

Response to Arguments

1. Applicant's arguments, pages 4-6 of the Remarks section, filed 5/26/2010, with respect to the rejections of the claims 1, 3-5, 8 and 9 have been fully considered, but are moot in view of new ground of rejections presented in this office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SALMAN AHMED whose telephone number is (571)272-8307. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571)272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Salman Ahmed/

Primary Examiner, Art Unit 2476